



UNITED STATES PATENT AND TRADEMARK OFFICE



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1761
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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 2/23/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).**

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:
 A. Amended paragraph(s) do not include markings.
 B. New paragraph(s) should not be underlined.
 C. Other _____
2. Abstract:
 A. Not presented on a separate sheet. 37 CFR 1.72.
 B. Other _____
3. Amendments to the drawings: _____
4. Amendments to the claims:
 A. A complete listing of all of the claims is not present.
 B. The listing of claims does not include the text of all claims (including withdrawn claims)
 C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 D. The claims of this amendment paper have not been presented in ascending numerical order.
 E. Other: claims 8 and 9, 16-19 & 22 are missing status identifiers

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ropa/preognitice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Veronica Auburn
Legal Instruments Examiner (LIE)

571-2720988
Telephone No.



**AMENDMENT
TRANSMITTAL LETTER**

DOCKET NO. IVI01-01

| | | | |
|--------------------------|------------------------------|----------------------------|------------------------|
| SERIAL NO. 09/977,519 | FILING DATE Oct. 12, 2001 | EXAMINER Pratt, Helen F | GROUP ART UNIT 1761 |
|--------------------------|------------------------------|----------------------------|------------------------|

INVENTOR: Steven E. Robbs, et al.

INVENTION: METHOD AND APPARATUS FOR TREATING TUBERS WITH A POWDERED ORGANIC COMPOUND

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

| -1- | -2- | -3- | -4- | -5- | -6- | -7- |
|--|-------------------------------------|-------|---------------------------------------|--------------------------------|--------|-------------------|
| | Claims Remaining After Amendment | | Highest Number Previously Paid For | No. of Extra Claims Present | Rate | Additional Fee |
| TOTAL CLAIMS | 19 | MINUS | 22 | 0 | X \$9 | 0 |
| INDEP. CLAIMS | 3 | MINUS | 3 | 0 | X \$43 | 0 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | | \$ 0 |

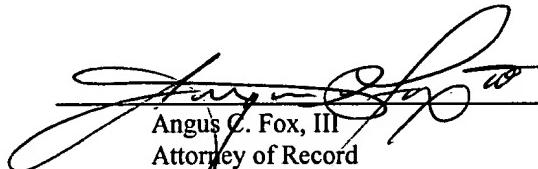
* If the entry in column 2 is less than the entry in column 4, write "0" in column 5

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

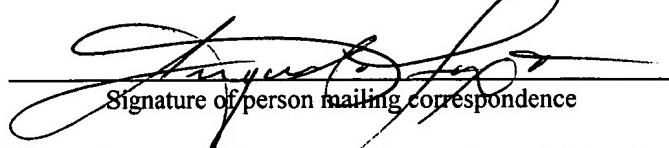
***If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

March 8, 2004

Date


Angus C. Fox, III
Attorney of Record
Reg. No. 31,828

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop Amendment Non Fee, Commissioner for Patents , P.O. Box 1450, Alexandria, VA 22313-1450, on March 8, 2004.


Signature of person mailing correspondence

Name of person mailing correspondence: Angus C. Fox, III



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Steven E. Robbs

Serial No: 09/977,519

Filed: October 12, 2001

Docket Number: IVI01-01

Paper No. 3

Group Art Unit: 1761

Examiner: Pratt, Helen F

For: **METHOD AND APPARATUS FOR TREATING TUBERS WITH A POWDERED ORGANIC COMPOUND**

March 8, 2004

Commissioner for Patents
Alexandria, VA

AMENDMENT UNDER 37 CFR §1.111

In response to the Notice of Non-Compliant Amendment dated March 5, 2004, the applicant hereby resubmits a compliant version of the amendment which was mailed on February 18, 2004. Although only the Listing of the Claims section was deemed to be non-compliant, the Remarks section has now also been amended to correlate with the compliant Listing of the Claims section.

The claims have been amended in accordance with the Listing of the Claims section on pages 2-5 of this document.

Remarks are found on page 6 of this document.